

IN THE UNITED STATES DISTRICT
COURT FOR THE EASTERN DISTRICT
OF TEXAS MARSHALL DIVISION

NETLIST, INC.,)	
)	
Plaintiff,)	
)	Case No. 2:22-cv-293-JRG
vs.)	
)	JURY TRIAL DEMANDED
SAMSUNG ELECTRONICS CO, LTD;)	(Lead Case)
SAMSUNG ELECTRONICS AMERICA,)	
INC.; SAMSUNG SEMICONDUCTOR)	
INC.,)	
)	
Defendants.)	

NETLIST, INC.,)	
)	
Plaintiff,)	
)	Case No. 2:22-cv-294-JRG
vs.)	
)	JURY TRIAL DEMANDED
MICRON TECHNOLOGY, INC.;)	
MICRON SEMICONDUCTOR)	
PRODUCTS, INC.; MICRON)	
TECHNOLOGY TEXAS LLC,)	
)	
Defendants.)	

DECLARATION OF STEPHEN M. PAYNE IN SUPPORT OF
NETLIST, INC.'S REPLY IN SUPPORT OF MOTION FOR SUMMARY
JUDGMENT DISMISSING MICRON'S AFFIRMATIVE DEFENSE OF
BREACH OF RAND OBLIGATION OR IN THE ALTERNATIVE FOR
SEVERANCE

I, Stephen M. Payne, declare as follows:

1. I am an attorney at the law firm of Irell & Manella LLP, counsel of record for Plaintiff Netlist, Inc. (“Netlist”) in the above-captioned action. I am a member in good standing of the State Bar of California and have been admitted to practice *pro hac vice* before this Court in this action. I provide this declaration in support of Netlist, Inc.’s Reply In Support Of Motion for Summary Judgment Dismissing Micron’s Affirmative Defense of Breach of RAND Obligation or in the Alternative For Severance. I have personal knowledge of the facts stated herein, and could and would testify completely thereto if called as a witness in this matter.

2. Attached as **Exhibit 11** is a true and correct copy of Dkt. 421 in *Netlist v. Micron*, No. 22-cv-203 (E.D. Tex.).

3. Attached as **Exhibit 12** is a true and correct copy of Dkt. 478 in *Netlist v. Micron*, No. 22-cv-203 (E.D. Tex.).

4. Attached as **Exhibit 13** is a true and correct excerpt of the deposition transcript of Dave Westergard, dated September 15, 2023.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on February 7, 2024.

By /s/ Stephen M. Payne
Stephen M. Payne